

**Notice of Allowability**

Application No.

09/929,220

Examiner

Naeem Haq

Applicant(s)

MINEAR ET AL.

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/18/2005.
2. ☒ The allowed claim(s) is/are 1-32 and 46.
3. ☒ The drawings filed on 8/13/2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 7/8/2005.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
Jeffrey A. Smith  
Primary Examiner

Art Unit: 3625

## **DETAILED ACTION**

### ***Response to Amendment***

This action is in response to the Applicants' amendment filed on April 18, 2005. Claims 33-41 are cancelled. New claim 46 has been added. Claims 1-32 and 42-46 are pending.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicants, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Robert J. O'Connell on July 6, 2005.

The application has been amended as follows: Cancel claims 42-45.

### ***Allowable Subject Matter***

Claims 1-32 and 46 are allowed.

The following is the Examiner's statement of reasons for allowance: Statement of allowance is in reference to independent claims 1, 11, 12, 19, 20, 25, 26, 30, and 46. All other claims are dependencies of the independent claims.

The present application is directed to a method, system, and program for accounting the use of subscription-based software applications that are downloaded by a wireless device. The independent claims recite the uniquely patentable feature that the accounting is based the subscription-based software application download data and subscription-based application deletion data.

Discussion of most relevant prior art:

The following references have been identified as the most relevant prior art to the claimed invention.

(i) *US Patent Publication 2001/0036271* to Javed. Javed substantially discloses the claimed invention as noted in the previous Office Actions. However, Javed does not teach or suggest that the accounting for the use of subscription-based software applications is based on the subscription-based software application download data and subscription-based application deletion data.

(ii) Dialog File: 16, Acc#: 08832890 "*Sony Pictures to sell movies via Internet*" hereinafter referred to as Dialog. Dialog teaches that Sony Pictures provides an Internet movie-delivery service for the general public. The movies are downloaded to customer's personal computers and are erased 24 hours after viewing. Dialog does not teach that the accounting for the viewing of the movie is based on the subscription download data and subscription deletion data.

(iii) "*CyberSource Begins to Offer Software of Symantec and Others on the Internet*", Wall street Journal, Dialog File: 16, Acc#: 03736326 hereinafter referred to as Journal.

Art Unit: 3625

The Journal teaches customers can download software over the Internet and have 30 days within which they must pay for the software or the program will be deleted from the customer's computer. The Journal does not teach that the accounting for the software is based on the subscription download data and subscription deletion data.

(iv) *Japanese Patent Publication 11-069017* to Akira et al. hereinafter referred to as Akira. Akira discloses an information distribution system that cancels an account processing if a download is interrupted by an incorrect operation. Akira does not teach that the accounting for software is based on the subscription download data and subscription deletion data.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naeem Haq whose telephone number is (571)-272-6758. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn W. Coggins can be reached on (571)-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Art Unit: 3625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Naeem Haq**, Patent Examiner  
Art Unit 3625

July 8, 2005



Jeffrey A. Smith  
Primary Examiner